

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RE/MAX International, Inc.,

Plaintiff,

v.

TREND SETTER REALTY, LLC,
a Texas limited liability company;

PAVNOUTY ABRAHAM, an individual;

and

DEBORAH N. MILLER, an individual

Defendants.

CIVIL ACTION NO. 4:07-CV-02426

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

EXHIBIT B



The State of Texas

SECRETARY OF STATE

CERTIFICATE OF TRADEMARK OR SERVICE MARK REGISTRATION

FOR

DESIGN

REGISTRATION NUMBER 55729 17

The undersigned, as Secretary of State of Texas, by virtue of the authority vested in the Secretary by CHAPTER 16, TEXAS BUSINESS AND COMMERCE CODE hereby issues this Certificate of Trademark or Service Mark Registration and attaches hereto a copy of the application for registration. Such registration is effective for a term of ten years from the date of registration of application shown below.

DATED: June 5, 1996



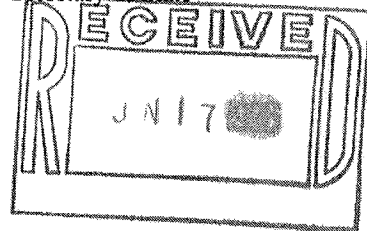
Antonio O. Garza, Jr.
Secretary of State

Corporations Section
P.O. Box 13697
Austin, Texas 78711-3697



Antonio O. Garza, Jr.

Secretary of State



Office of the Secretary of State

June 13, 1996

RE MAX INTERNATIONAL INC.
IRMINA STOUD
P O BOX 3907
ENGLEWOOD, CO 80155

REF: DESIGN
Registration Number: 55729

It has been our pleasure to file for registration the above referenced mark.

Enclosed please find your Certificate of Registration along with a file stamped copy of your application and a copy of your specimen of use. A trademark registration is effective for a period of ten (10) years from the date of registration.

A renewal of a registration may be filed within the six (6) months preceding the date of expiration. A renewal extends the registration for an additional ten (10) year term. After a registration has expired, renewal is not permissible and a new application for registration of a trademark must be filed.

If we can be of further service at any time, please let us know.

Very truly yours,

Lorna Wassdorf

Lorna Wassdorf
Deputy Assistant Secretary
Statutory Filings Division

LSW:pmj

Come visit our new home on the Internet @ <http://www.sos.state.tx.us/>

(512) 463-5555

FAX (512) 463-5709

TDD (800) 735-2989

The Office of the Secretary of State does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

STATE OF TEXAS
APPLICATION FOR REGISTRATION OF TRADEMARK OR SERVICE MARK

BE IT KNOWN that applicant has heretofore adopted and used and is now using a certain mark in TEXAS and hereby makes application for registration of such mark.

- FILED
In the Office of the
Secretary of State of Texas
JUN 05 1996
- Applicant: RE/MAX International, Inc.
 - Address: Street 5445 DTC Pkwy., Suite 1200
City Englewood State Colorado Zip 80111
 - If applicant is a corporation, show where incorporated: Colorado
 - Describe the mark (words and/or design): Red over white over blue rectangular bar design. (Rectangular bar red over rectangular bar white over rectangular bar blue.)
 - Description of goods or services in connection with mark as now being used: (BE SPECIFIC) real estate and insurance brokerage services.
 - The mode or manner in which the mark is now being used and one (1) specimen as actually used is attached. business cards, stationery and other promotional material used in connection with real estate and insurance brokerage services, including yard signs.
 - Number and title of the class of goods or services. Only one class per application. Class 36 Financial & Insurance
 - Date mark first used by applicant (put date in BOTH spaces):
(a) Anywhere January, 1973 (b) In Texas At least as early as 1977.
 - Applicant does hereby appoint the Secretary of State of Texas as its agent for service of process in any action relating only to the registration which may be issued, if the applicant be, or shall become, a nonresident individual partnership or association, or foreign corporation not licensed to do business in this state, or cannot be found in this state.
 - Applicant believes himself to be the owner of the mark and no other person to the best of his knowledge and belief, has the right in this state to use such mark either in the identical form thereof, or in such near resemblance to cause confusion, or to cause mistake or to deceive.

RE/MAX International, Inc.

(Name of Applicant)

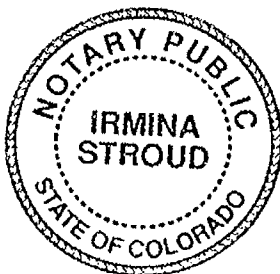
State of Colorado
County of Arapahoe

Daryl Jespersion
(Signature of Applicant, and if applicable
state title of office or partner.)
Executive Vice President

Daryl Jespersion, personally appeared before me, and being first duly sworn declared that, he signed this application in the capacity designated, if any and further states that, he has read the above application, and the statements therein contained are true.

Subscribed and sworn to before me this 27th day of February, 1996.

Seal



Irmina Stroud
Notary Public Signature

Printed Name

My commission expires the 22nd day
of December, 1999.

INSTRUCTIONS

- 1.) If applicant is a corporation, state the name of the corporation in Item No. 1, complete Item No. 3, and refer to instruction 4. If applicant is a partnership, state the name of the Partnership, and the name of all partners in Item No. 1, and refer to instruction 4. If applicant is a Proprietorship, state the name of the individual, and give the trade name or assumed name, if any, in Item No. 1. For example, John Jones dba South Side Cleaners.
- 2.) The application must be submitted in duplicate. Each application must include a specimen of use, and a drawing of the mark. See Rules of Practice and Procedure for format.
 - a) Specimens are examples of use as listed in Item 6 of the application, and as actually used on or in connection with the goods or services. For example, labels, tags, containers, displays, handbills, or advertisements. The specimen should be submitted in a reasonably flat form no larger than 8½ by 11 inches. If the use of the mark is such that the required specimen cannot be furnished, photographs not larger than 8½ by 11 inches are acceptable, provided they clearly and legibly show the mark as used.
- 3.) The Office of the Secretary of State will change the classification if that furnished by applicant is not correct. An application for registration may include any or all goods or services upon which the mark is actually being used, and which are comprised in a single class. Each classification requires a separate application in duplicate, specimen, drawing and fee.
- 4.) If applicant is a corporation or partnership, type or print its name in the line above "Applicant", and state title of officer or partner below "Signature" line.
- 5.) See the General Information Sheet and General Instruction Sheet for additional information on prosecuting an application with the office.
- 6.) A normal application includes the following:
 1. Applications, in duplicate (original and copy is acceptable)
All applications submitted to this office must be **TYPEWRITTEN**
or **PRINTED** in **BLACK INK**.
 2. Two (2) Specimens
 3. Drawing, in duplicate (original and copy is acceptable)
 4. Filing Fee, ~~\$25.00~~ 50.00

MAIL TO:

SECRETARY OF STATE
STATUTORY FILINGS DIVISION
CORPORATIONS SECTION
ATTN: TRADEMARK EXAMINER
P.O. BOX 13697
AUSTIN, TEXAS 78711